

**MUNICIPALITY OF NORRISTOWN  
A HOME RULE MUNICIPALITY  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 18-02 of 2018**

**AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE GENERAL CODE OF THE MUNICIPALITY OF NORRISTOWN TO PROHIBIT DISCRIMINATION IN HOUSING, COMMERCIAL PROPERTY, EMPLOYMENT, AND PUBLIC ACCOMMODATIONS ON THE BASIS OF ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION, RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, PLACE OF BIRTH, AGE, DISABILITY, EDUCATION, FAMILIAL STATUS, HEIGHT, MARITAL STATUS, OR WEIGHT; PROVIDING DEFINITIONS, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE**

**WHEREAS**, the Municipality of Norristown is comprised of various and diverse individuals and groups of people; and

**WHEREAS**, the Municipality of Norristown values this diversity and wishes to encourage all persons to contribute to and fully participate in the cultural, social, spiritual and commercial life and activities of Norristown; and

**WHEREAS**, discrimination and discriminatory practices prohibits the social and economic growth and progress of the Municipality of Norristown and negatively impacts the quality of life of our community; and

**WHEREAS**, the Municipality desires to observe and protect the dignity and rights of all who live, work, or visit Norristown and ensure that everyone, regardless of a person's actual or perceived sexual orientation, gender identity or gender expression, race, color, religion, ancestry, national origin, place of birth, age, disability, education, familial status, height, marital status, or weight enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations.

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED THAT:**

**SECTION 1:** Chapter 188 of the Municipal Code of the Municipality of Norristown is hereby amended to read as follows:

**Chapter 188: Discrimination Prohibited**

**§ 188-1 Purpose; declaration of policy.**

A. The Municipality of Norristown finds that it is of high public importance to adopt appropriate legislation to insure that all persons, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap, use of guide or support

animals because of blindness, deafness or physical handicap of the user or the user is a handler or trainer of support or guide animals, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation.

B. The Council of the Municipality of Norristown hereby declares it to be the public policy of the Municipality to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression in all matters effecting employment, housing and commercial property and public accommodation, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

C. Nothing in this Chapter shall be construed as supporting, endorsing or advocating any particular doctrine, point of view, or religious belief. On the contrary, it is the express purpose and intent of this Chapter that all persons be treated fairly and equally, and that all persons in the Municipality of Norristown shall be guaranteed fair and equal treatment under law.

D. This Chapter shall be deemed an exercise of the police power of the Municipality of Norristown, as provided or permitted by law, for the protection of the public welfare, prosperity, health and peace of the community of Municipality of Norristown.

### **§ 188-2 Definitions**

The following words and phrases, when used in this chapter, shall have the meanings given to them in this section. To the extent words and phrases appearing in this chapter are not expressly defined herein, their meanings for purposes of this chapter shall be the same as such words are defined in the Pennsylvania Human Relations Act,[1] and such words, if not therein defined, shall be construed consistently with the Pennsylvania Human Relations Act.

**CHAPTER:** This Chapter, which shall also be referred to as the "Norristown Human Relations Ordinance."

**COMMERCIAL PROPERTY OR HOUSING:** The opportunity for an individual to obtain any commercial property or housing accommodation for which he is qualified.

**COUNCIL:** The Council of the Municipality of Norristown, Pennsylvania.

**DISCRIMINATION:** Any discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, on the basis of a person's actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use

of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

**DISCRIMINATORY ACTS:** All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations actual or perceived race, color, age, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals; OR, though not set forth in the Pennsylvania Human Relations Act, because of an individual's sexual orientation, gender identity or gender expression.

**EMPLOYEE:** Does not include any individuals who, as a part of their employment, resides in the personal residence of the employer.

**EMPLOYMENT:** The opportunity for an individual to obtain employment for which he is qualified.

**EMPLOYER:** The term "employer" includes the Municipality, its departments, boards and commissions, and any other governmental agency or school district thereof and any person employing four or more persons within the Municipality, but except as hereinafter provided, does not include religious fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations.

**GENDER IDENTITY OR EXPRESSION:** Self-perception, or perception by others, as male or female, including an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or assigned sex at birth, and shall include, but is not limited to, persons who are undergoing or who have completed sex reassignment, are transgender or gender variant.

**MUNICIPALITY:** The Municipality of Norristown, Montgomery County, Pennsylvania.

**PERSON:** Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Municipality, its departments, boards and commissions, and any other for-profit and nonprofit organization.

**PUBLIC ACCOMMODATION:** The opportunity for an individual to access food, beverages or lodging, resort or amusement which is open to, accepts or solicits the patronage of the general public, but shall not include any accommodations which are in their nature distinctly private.

**SEXUAL ORIENTATION:** Actual or perceived homosexuality, heterosexuality and/or bisexuality.

[1] Editor's Note: See 43 P.S. § 951 et seq.

**§ 188-3 Prohibited Discriminatory Acts.**

- A. Discrimination in employment, housing, publicly offered commercial property transactions, or public accommodations is prohibited under this Chapter.
- B. Retaliation against any individual because such person has opposed any practice forbidden by this Chapter, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Chapter is prohibited under this Chapter.
- C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this Chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Chapter is prohibited under this Chapter.

**§ 188-4 [Reserved.]**

**§ 188-5 Exceptions.**

Nothing in this Chapter shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with any religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained. Nor shall it apply to rental of rooms in a landlord-occupied rooming house with a common entrance, nor with respect to discrimination based on sex, the advertising, the rental or leasing of housing accommodations in a single-sex dormitory or rooms in one's personal residence in which common living areas are shared.

**§ 188-6 Establishment of Human Rights Commission.**

Pursuant to the authority set forth under § 962.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission for the Municipality of Norristown, which shall be known as the "Norristown Human Relations Commission."

- A. The Norristown Human Relations Commission shall consist of five (5) members, who shall be appointed to terms of three (3) years by the Board. The terms of the members

of the Commission shall be staggered, such that the terms of one third (1/3) of the members of the Commission shall expire each year. All members of the Commission shall be residents or business owners of the Municipality of Norristown and shall serve without compensation.

- B. The Chairperson of the Commission will designate one member as needed to receive the complaint and conduct an intake meeting with the complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on complaints brought in front of the Commission.
- C. The Human Relations Commission shall, annually, designate one member to serve as Chairperson of the Commission. The Chairperson shall be responsible for coordinating the activities, meetings, and operations of the Commission, as set forth under this Chapter. The Chairperson shall also report, from time to time, to the President of the Council regarding the activities of the Commission.
- D. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Norristown Human Relations Commission under this Chapter, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson, and shall be performed in conjunction with the state Human Relations Commission.
- E. The Norristown Human Relations Commission shall have all of those powers necessary to execute the duties set forth under this Chapter, provided that such powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.
- F. The Norristown Human Relations Commission shall operate within the scope of funds which may be allocated, on an annual basis, by the Board and shall not exceed the annual allocation in any year, except upon prior approval by the Board. In adopting this Chapter, the Board hereby expresses its intention that the operation of the Norristown Human Relations Commission under this Chapter shall be supported by volunteers, unpaid staff, and volunteer efforts and shall be as close to "zero-cost" to the Municipality as reasonably feasible.

**§ 188-7 Complaint and Procedures for filing Complaints.**

A. Complaints. Any person claiming to be aggrieved by a practice which is made unlawful under this Chapter may make, sign and file a verified complaint, as provided under paragraph A.2 of Section VII of this Chapter, alleging violations of this Chapter. Such complaint shall, at a minimum, contain the following information:

- 1) The name, telephone number, mailing address and email (if applicable) of the aggrieved person(s);
- 2) The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;
- 3) A concise statement of the facts, including pertinent dates, time, locations, people, and acts involved constituting the alleged discriminatory practice;
- 4) Such other information as may be required by the Commission.

B. Procedure.

- 1) Complaints may be filed in person at the office of the Municipal Administrator, or by mailing such complaints to the Municipality offices, to the attention of the Municipal Administrator or the member of the Commission designated to handle intake. All such complaints must be received by the Municipality within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed as untimely.
- 2) The Municipal Administrator shall transmit all complaints received to the Chairperson of the Commission not later than ten (10) days of receipt of the complaint. The Municipal Administrator shall conspicuously mark the face of the complaint with the date the document was first received in the Municipality offices.
- 3) The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Chapter so long as the facts set forth under paragraph "1" of this Section can be clearly determined from the document submitted as a complaint.
- 4) The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral of additional information to the prospective complainant concerning the content of this Chapter, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations

Commission as an additional venue within which the prospective complainant may seek redress when possible.

**C. Notifications and Answer. Within thirty (30) days of receipt of a complaint, the Commission shall:**

- 1) Send a copy of the complaint to the person(s) charged with a discriminatory act or practice under this Chapter (the "respondent"), together with a copy of this Chapter.
- 2) Send a notice to the complainant, informing them that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis proscribed under federal or state law, the Notice shall also inform the complainant of their right to file a complaint with the Pennsylvania Human Relations Commission or the federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.
- 3) The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Human Relations Act.
- 4) The Commission shall also include a notice to both the complainant and the respondent(s) of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint.
- 5) The respondent(s) shall file a written verified answer to the complaint within thirty (30) days of service of the complaint. An answer shall be filed in the same manner as a complaint.

**D. Procedure following Notification and Answer.**

- 1) Within thirty (30) days of receipt of an answer to a complaint, or, where no answer is filed, within sixty (60) days of service of the complaint upon the respondent(s), the Commission shall proceed in accordance with the following options:

In the event that both parties have consented to mediation then the Commission shall refer the matter to a recognized alternative dispute resolution service, which same service may be provided through Montgomery County, the Montgomery County Bar Association, or any other professional mediation service provider, or may refer the matter to a licensed member of the Pennsylvania bar, who may be willing to perform service to the Commission as a volunteer mediator. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties. The parties shall jointly select the mediator; however, the Commission shall retain

the authority to act as the mediator in the event the parties have agreed to mediation but cannot jointly agree on a mediator. Mediation sessions conducted by the Commission may proceed with a minimum of two eligible Commission Members. Mediation sessions shall remain private and not otherwise subject to public attendance.

- (a) When mediation has resulted in an amicable resolution of the complaint and the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed, and shall record the result of the mediation in the Notice of dismissal.
- (b) In the event the complaint has not been resolved through mediation the parties are entitled to proceed to the Court of Common Pleas in Montgomery County and/or the Pennsylvania Human Relations Commission if appropriate.

**§ 188-7 Private right of action.**

There is no private right of action that is created by this Chapter or money damages available to any person based on this Chapter. Notwithstanding, nothing contained in this Chapter shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

**§188-8 Multiple Filings.**

This Chapter shall not apply to matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

**§188-9 Penalties.**

Any person who shall violate any provision of Section IV of this Chapter may be subject by the Montgomery County Court of Common Pleas or any Court of competent jurisdiction to the penalties enumerated in Section 9(f)(1&2), Sections 9.2, 9.3, and Sections 10 & 11 of the Pennsylvania Human Relations Act. The penalties contained in this Chapter shall mirror any future changes to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.

This Chapter extends the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity or gender expression.

All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in the Norristown Human Relations Ordinance.

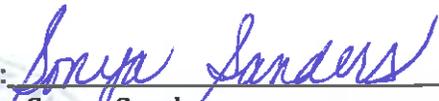
**SECTION 2.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the Municipality, the provision that establishes the higher standard shall prevail.

**SECTION 3.** If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

**SECTION 4.** This ordinance shall be effective upon its legal enactment.

**ORDAINED AND ENACTED** by the Municipal Council of the Municipality of Norristown, Montgomery County, Pennsylvania this 3rd day of July, 2018.

**NORRISTOWN MUNICIPAL COUNCIL**

By:   
Sonya Sanders  
Council President

Attest:   
Crandall O. Jones  
Municipal Administrator

